

determination or order becomes final and effective as to that party as if the provision had not been enacted.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 406; Pub. L. 95-454, title IX, §906(a)(6), Oct. 13, 1978, 92 Stat. 1225.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 118k(c), July 19, 1940, ch. 640, §4 "Sec. 12(c)", 54 Stat. 768.

Sections 346 and 347 of title 28 referred to in former section 118k(c) were repealed by the Act of June 25, 1948, ch. 646, §39, 62 Stat. 862, and are now covered by section 1254 of title 28. The titles of the courts are changed to conform to title 28.

In the reference to filing a written petition, "written" is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1978—Pub. L. 95-454 substituted "Merit Systems Protection Board" and "Board" for "Civil Service Commission" and "Commission", respectively, wherever appearing.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

PART III—EMPLOYEES

Subpart A—General Provisions

Table with 2 columns: Chap., Sec. 21. Definitions 2101, 23. Merit System Principles 2301, 29. Commissions, Oaths, Records, and Reports 2901

Subpart B—Employment and Retention

Table with 2 columns: Chap., Sec. 31. Authority for Employment 3101, 33. Examination, Selection, and Placement 3301, 34. Part-Time Career Employment Opportunities 3401, 35. Retention Preference, Restoration, and Reemployment 3501, 37. Information Technology Exchange Program 3701

Subpart C—Employee Performance

Table with 2 columns: Chap., Sec. 41. Training 4101, 43. Performance Appraisal 4301, 45. Incentive Awards 4501, 47. Personnel Research Programs and Demonstration Projects 4701, 48. Agency Personnel Demonstration Project 4801

Subpart D—Pay and Allowances

Table with 2 columns: Chap., Sec. 51. Classification 5101, 53. Pay Rates and Systems 5301, 54. Human Capital Performance Fund 5401

1 Chapter heading amended by Pub. L. 107-296 without corresponding amendment of part analysis.

55. Pay Administration 5501, 57. Travel, Transportation, and Subsistence 5701, 59. Allowances 5901

Subpart E—Attendance and Leave

61. Hours of Work 6101, 63. Leave 6301, 65. Telework 6501

Subpart F—Labor-Management and Employee Relations

71. Labor-Management Relations 7101, 72. Antidiscrimination; Right to Petition Congress 7201, 73. Suitability, Security, and Conduct 7301, 75. Adverse Actions 7501, 77. Appeals 7701, 79. Services to Employees 7901

Subpart G—Insurance and Annuities

81. Compensation for Work Injuries 8101, 83. Retirement 8301, 84. Federal Employees' Retirement System 8401, 85. Unemployment Compensation 8501, 87. Life Insurance 8701, 89. Health Insurance 8901, 89A. Enhanced Dental Benefits 8951, 89B. Enhanced Vision Benefits 8981, 90. Long-Term Care Insurance 9001

Subpart H—Access to Criminal History Record Information

91. Access to Criminal History Records for National Security and Other Purposes 9101

Subpart I—Miscellaneous

95. Personnel flexibilities 2 relating 2 to the Internal Revenue Service 9501, 97. Department of Homeland Security 9701, 98. National Aeronautics and Space Administration 9801, 99. Department of Defense Personnel Authorities 9901, 101. Federal Emergency Management Agency Personnel 10101, 102. United States Secret Service Uniformed Division Personnel 10201

AMENDMENTS

2011—Pub. L. 112-81, div. A, title XI, §1101(d)(2), Dec. 31, 2011, 125 Stat. 1610, added item for chapter 99 and struck out former item for chapter 99 "Department of Defense National Security Personnel System".

2010—Pub. L. 111-292, §2(b)(1), Dec. 9, 2010, 124 Stat. 3170, added item for chapter 65.

Pub. L. 111-282, §4(c)(3), Oct. 15, 2010, 124 Stat. 3044, added item for chapter 102.

2006—Pub. L. 109-295, title VI, §621(b), Oct. 4, 2006, 120 Stat. 1416, added item for chapter 101.

2004—Pub. L. 108-496, §4, Dec. 23, 2004, 118 Stat. 4010, added items for chapters 89A and 89B.

Pub. L. 108-201, §3(b), Feb. 24, 2004, 118 Stat. 477, added item for chapter 98.

2003—Pub. L. 108-136, div. A, title XI, §§1101(a)(2), 1129(b), Nov. 24, 2003, 117 Stat. 1633, 1645, added items for chapters 54 and 99.

2 So in original. Probably should be capitalized.

2002—Pub. L. 107-347, title II, §209(c)(3), Dec. 17, 2002, 116 Stat. 2930, added item for chapter 37.

Pub. L. 107-296, title VIII, §841(a)(3), Nov. 25, 2002, 116 Stat. 2233, added item for chapter 97.

Pub. L. 107-123, §8(d)(1)(A), Jan. 16, 2002, 115 Stat. 2399, added item for chapter 48.

2000—Pub. L. 106-398, §1 [[div. A], title X, §1076(f)(1)(B)], Oct. 30, 2000, 114 Stat. 1654, 1654A-282, substituted “and Other Purposes” for “Purposes” in item for chapter 91.

Pub. L. 106-265, title I, §1002(b), Sept. 19, 2000, 114 Stat. 769, added item for chapter 90.

1998—Pub. L. 105-206, title I, §1201(b), July 22, 1998, 112 Stat. 719, added items for subpart I and chapter 95.

1993—Pub. L. 103-89, §3(a)(2), Sept. 30, 1993, 107 Stat. 981, struck out item for chapter 54 “Performance Management and Recognition System”.

1986—Pub. L. 99-335, title I, §101(b), June 6, 1986, 100 Stat. 588, added item for chapter 84.

1985—Pub. L. 99-169, title VIII, §801(b), Dec. 4, 1985, 99 Stat. 1010, added items for subpart H and chapter 91.

1984—Pub. L. 98-615, title II, §201(b), Nov. 8, 1984, 98 Stat. 3214, substituted “Performance Management and Recognition System” for “Merit Pay and Cash Awards” in item for chapter 54.

1978—Pub. L. 95-454, title I, §101(b)(1), title II, §203(b), title V, §503(i), title VI, §601(b), title VII, §703(b), title IX, §906(c)(5), Oct. 13, 1978, 92 Stat. 1118, 1134, 1184, 1188, 1217, 1227, added items for chapters 23, 34, 47, 54, and 72, substituted in item for chapter 43 “Appraisal” for “Rating” and in item for chapter 71 “Labor-Management Relations” for “Policies”, and inserted in heading of subpart F “Labor-Management and” before “Employee”.

Subpart A—General Provisions

CHAPTER 21—DEFINITIONS

Sec.	
2101.	Civil service; armed forces; uniformed services.
2101a.	The Senior Executive Service.
2102.	The competitive service.
2103.	The excepted service.
2104.	Officer.
2105.	Employee.
2106.	Member of Congress.
2107.	Congressional employee.
2108.	Veteran; disabled veteran; preference eligible.
2108a.	Treatment of certain individuals as veterans, disabled veterans, and preference eligibles.
2109.	Air traffic controller; Secretary.

AMENDMENTS

2011—Pub. L. 112-56, title II, §235(a)(2)(B), Nov. 21, 2011, 125 Stat. 723, added item 2108a.

1980—Pub. L. 96-347, §1(d), Sept. 12, 1980, 94 Stat. 1150, substituted “controller; Secretary” for “controller” in item 2109.

1978—Pub. L. 95-454, title IV, §401(e), Oct. 13, 1978, 92 Stat. 1154, added item 2101a.

1972—Pub. L. 92-297, §1(b), May 16, 1972, 86 Stat. 141, added item 2109.

§ 2101. Civil service; armed forces; uniformed services

For the purpose of this title—

(1) the “civil service” consists of all appointive positions in the executive, judicial, and legislative branches of the Government of the United States, except positions in the uniformed services;

(2) “armed forces” means the Army, Navy, Air Force, Marine Corps, and Coast Guard; and

(3) “uniformed services” means the armed forces, the commissioned corps of the Public

Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 408; Pub. L. 90-83, §1(4), Sept. 11, 1967, 81 Stat. 196; Pub. L. 96-54, §2(a)(4), Aug. 14, 1979, 93 Stat. 381.)

HISTORICAL AND REVISION NOTES

1966 ACT

The section is supplied to establish basis of reference to employees in this title.

1967 ACT

This section amends various sections [§§2101, 4102, 4109, 5541, 8101] of title 5, United States Code, to reflect 1965 Reorganization Plan No. 2 (79 Stat. 1318), effective July 13, 1965, which consolidated the Coast and Geodetic Survey and the Weather Bureau to form a new agency in the Department of Commerce to be known as the Environmental Science Services Administration.

AMENDMENTS

1979—Par. (3). Pub. L. 96-54 substituted “National Oceanic and Atmospheric” for “Environmental Science Services”.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-339, §1, Oct. 31, 1998, 112 Stat. 3182, provided that: “This Act [enacting sections 3330a to 3330c of this title, section 1316a of Title 2, The Congress, section 115 of Title 3, The President, and section 1354 of Title 31, Money and Finance, amending sections 2108, 2302, and 3304 of this title and section 4212 of Title 38, Veterans’ Benefits, repealing section 1599c of Title 10, Armed Forces, enacting provisions set out as notes under section 2302 of this title and section 601 of Title 28, Judiciary and Judicial Procedure, and amending provisions set out as a note under section 106 of Title 49, Transportation] may be cited as the ‘Veterans Employment Opportunities Act of 1998’.”

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-226, §1, Mar. 30, 1994, 108 Stat. 111, provided that: “This Act [amending sections 3381, 4101, 4103, 4105, 4107, 4108, 4113, 4118, 5597, 8351, 8433 to 8435, 8437, 8440a to 8440d of this title and section 1206 of Title 45, Railroads, repealing sections 4106 and 4114 of this title, enacting provisions set out as notes under sections 3101, 3381, 5597, 8331, and 8351 of this title, and amending provisions set out as a note under section 403-4 of Title 50, War and National Defense] may be cited as the ‘Federal Workforce Restructuring Act of 1994’.”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-508, title VII, §7202(a), Nov. 5, 1990, 104 Stat. 1388-335, provided that: “This section [amending sections 2105, 3502, 5334, 5335, 5365, 5551, 6308, 6312, 8331, 8347, 8401, 8461, and 8901 of this title and enacting provisions set out as notes under section 2105 of this title] may be cited as the ‘Portability of Benefits for Nonappropriated Fund Employees Act of 1990’.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reor-